

REFERENCE TITLE: board of psychologist examiners; omnibus

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

# **SB 1080**

Introduced by  
Senator Allen; Representative Quelland

## **AN ACT**

AMENDING SECTIONS 32-2061, 32-2062, 32-2063, 32-2066, 32-2067, 32-2071, 32-2071.01, 32-2073, 32-2074, 32-2075 AND 32-2081, ARIZONA REVISED STATUTES; REPEALING SECTION 32-2072, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 19.1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-2072; RELATING TO THE BOARD OF PSYCHOLOGIST EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2061, Arizona Revised Statutes, is amended to  
3 read:

4 32-2061. Definitions: court ordered evaluations

5 A. In this chapter, unless the context otherwise requires:

6 1. "Active license" means a valid and existing license to practice  
7 psychology.

8 2. "Adequate records" means records containing, at a minimum,  
9 sufficient information to identify the client, the dates of service, the fee  
10 for service, the payments for service, the type of service given and copies  
11 of any reports that may have been made.

12 3. "Board" means the state board of psychologist examiners.

13 4. "Client" means a person or an entity that receives psychological  
14 services. A corporate entity, a governmental entity or any other  
15 organization may be a client if there is a professional contract to provide  
16 services or benefits primarily to an organization rather than to an  
17 individual. If an individual has a legal guardian, the legal guardian is the  
18 client for decision-making purposes, except that the individual receiving  
19 services is the client for:

20 (a) Issues that directly affect the physical or emotional safety of  
21 the individual, such as sexual or other exploitative relationships.

22 (b) Issues that the guardian agrees to specifically reserve to the  
23 individual.

24 5. "Exploit" means actions by a psychologist who takes undue advantage  
25 of the professional association with a client, student or supervisee for the  
26 advantage or profit of the psychologist.

27 6. "Health care institution" means a facility as defined in section  
28 36-401, a person who is authorized to transact disability insurance pursuant  
29 to title 20, chapter 6, article 4 or 5 or a person who is issued a  
30 certificate of authority pursuant to title 20, chapter 4, article 9.

31 7. "Letter of concern" means an advisory letter to notify a  
32 psychologist that while there is insufficient evidence to support  
33 disciplinary action the board believes the psychologist should modify or  
34 eliminate certain practices and that continuation of the activities that led  
35 to the information being submitted to the board may result in action against  
36 the psychologist's license.

37 8. "Practice of psychology" means the psychological assessment,  
38 diagnosis, treatment or correction of mental, emotional, behavioral or  
39 psychological abilities, illnesses or disorders or purporting or attempting  
40 to do this consistent with section 32-2076.

41 9. "Psychological service" means all actions of the psychologist in  
42 the practice of psychology.

43 10. "Psychologically incompetent" means a person lacking in sufficient  
44 psychological knowledge or skills to a degree likely to endanger the health  
45 of clients.

1        11. "Psychologist" means a natural person holding a license to practice  
2 psychology pursuant to this chapter.

3        12. "Supervisee" means any person who functions under the extended  
4 authority of the psychologist to provide, or while in training to provide,  
5 psychological services.

6        13. "Unprofessional conduct" includes the following activities whether  
7 occurring in this state or elsewhere:

8            (a) Obtaining a fee by fraud or misrepresentation.

9            (b) Betraying professional confidences.

10          (c) Making ~~use-of~~ OR USING statements of a character tending to  
11 deceive or mislead.

12          (d) Aiding or abetting a person who is not licensed pursuant to this  
13 chapter in representing that person as a psychologist.

14          (e) Gross negligence in the practice of a psychologist.

15          (f) Sexual intimacies or sexual intercourse with a current client or a  
16 supervisee or with a former client within two years after the cessation or  
17 termination of treatment. For the purposes of this subdivision, "sexual  
18 intercourse" has the same meaning prescribed in section 13-1401.

19          (g) Engaging or offering to engage as a psychologist in activities not  
20 congruent with the psychologist's professional education, training and  
21 experience.

22          (h) Failing or refusing to maintain and retain adequate business,  
23 financial or professional records pertaining to the psychological services  
24 provided to a client.

25          (i) Commission of a felony, whether or not involving moral turpitude,  
26 or a misdemeanor involving moral turpitude. In either case, conviction by a  
27 court of competent jurisdiction or a plea of no contest is conclusive  
28 evidence of the commission.

29          (j) Making a fraudulent or untrue statement to the board or its  
30 investigators, staff or consultants.

31          (k) Violating any federal or state laws or rules that relate to the  
32 practice of psychology or to obtaining a license to practice psychology.

33          (l) Practicing psychology while impaired or incapacitated to the  
34 extent and in a manner that jeopardizes the welfare of the client or renders  
35 the psychological services provided ineffective.

36          (m) Using fraud, misrepresentation or deception ~~in assisting another~~  
37 ~~person~~ to obtain or attempt to obtain a psychology license or to pass or  
38 attempt to pass a psychology licensing examination OR IN ASSISTING ANOTHER  
39 PERSON TO DO SO.

40          (n) Unprofessional conduct in another jurisdiction that resulted in  
41 censure, probation or a civil penalty or in the denial, suspension,  
42 restriction or revocation of a certificate or license to practice as a  
43 psychologist.

1 (o) Providing services that are unnecessary or unsafe or otherwise  
2 engaging in activities as a psychologist that are unprofessional by current  
3 standards of practice.

4 (p) Falsely or fraudulently claiming to have performed a professional  
5 service, charging for a service, or representing a service as the licensee's  
6 own when the licensee has not rendered the service or assumed supervisory  
7 responsibility for the service.

8 (q) Representing activities or services as being performed under the  
9 licensee's supervision if the psychologist has not assumed responsibility for  
10 them and has not exercised control, oversight and review.

11 (r) Failing to obtain a client's informed and written consent to  
12 release personal or otherwise confidential information to another party  
13 unless the release is otherwise authorized by law.

14 (s) Failing to make client records in the psychologist's possession  
15 promptly available to another psychologist licensed pursuant to this chapter  
16 on receipt of proper authorization to do so from the client, a minor client's  
17 parent, the client's legal guardian or the client's authorized representative  
18 or failing to comply with title 12, chapter 13, article 7.1.

19 (t) Failing to take reasonable steps to inform or protect a client's  
20 intended victim and inform the proper law enforcement officials in  
21 circumstances where the psychologist becomes aware during the course of  
22 providing or supervising psychological services that a client intends or  
23 plans to inflict serious bodily harm to another person.

24 (u) Failing to take reasonable steps to protect a client in  
25 circumstances where the psychologist becomes aware during the course of  
26 providing or supervising psychological services that a client intends or  
27 plans to inflict serious bodily harm to ~~himself~~ SELF.

28 (v) Abandoning or neglecting a client in need of immediate care  
29 without making suitable arrangements for continuation of the care.

30 (w) Engaging in direct or indirect personal solicitation of clients  
31 through the use of coercion, duress, undue influence, compulsion or  
32 intimidation practices.

33 (x) Engaging in false, deceptive or misleading advertising.

34 (y) Exploiting a client, student or supervisee.

35 (z) Failing to report information to the board regarding a possible  
36 act of unprofessional conduct committed by another psychologist licensed  
37 pursuant to this chapter unless this reporting violates the psychologist's  
38 confidential relationship with the client pursuant to section 32-2085. Any  
39 psychologist who reports or provides information to the board in good faith  
40 is not subject to an action for civil damages.

41 (aa) Violating a formal board order, consent agreement, term of  
42 probation or stipulated agreement issued under this chapter.

43 (bb) Failing to furnish information in a timely manner to the board or  
44 its investigators or representatives if requested OR SUBPOENAED by the board  
45 as prescribed by this chapter.

(cc) Failing to make available to a client or to the client's designated representative, on written request, a copy of the client's record, excluding raw test data, psychometric testing materials and other information as provided by law.

(dd) **VIOLATING AN ETHICAL STANDARD ADOPTED BY THE BOARD.**

B. A complaint against a psychologist arising out of a judicially ordered evaluation of a person charged with violating any provision of title 13, chapter 14 shall not be deemed by the board to present a charge of unprofessional conduct unless the court ordering the evaluation has found a substantial basis to refer the complaint for consideration by the board.

Sec. 2. Section 32-2062, Arizona Revised Statutes, is amended to read:  
32-2062. Board; qualifications; appointments; terms; compensation; immunity

A. The state board of psychologist examiners is established consisting of nine members appointed by the governor pursuant to section 38-211.

B. Each member of the board shall be a citizen of the United States and a resident of this state at the time of appointment. Six members shall be licensed pursuant to this chapter, and three shall be public members who are not eligible for licensure. The board shall have at all times, except for the period when a vacancy exists, at least two members who are licensed as psychologists and who are full-time faculty members from ~~the state~~ **IN THIS STATE WITH A DOCTORAL PROGRAM IN PSYCHOLOGY THAT MEETS THE REQUIREMENTS OF SECTION 32-2071** and at least three members who are psychologists in professional practice. The public members shall not have a substantial financial interest in the health care industry and shall not have a household member who is eligible for licensure under this chapter.

C. Each member shall serve for a term of five years beginning and ending on the third Monday in January.

D. A vacancy on the board occurring other than by the expiration of term shall be filled by appointment by the governor for the unexpired term as provided in subsection C of this section. The governor, after a hearing, may remove any member of the board for misconduct, incompetency or neglect of duty.

E. Board members shall receive compensation in the amount of one hundred dollars for each cumulative eight hours of actual service in the business of the board and reimbursement of all expenses pursuant to title 38, chapter 4, article 2.

F. Members of the board and its employees, consultants and test examiners are personally immune from suit with respect to all acts done and actions taken in good faith and in furtherance of the purposes of this chapter.

Sec. 3. Section 32-2063, Arizona Revised Statutes, is amended to read:  
32-2063. Powers and duties

A. The board shall:

1. Administer and enforce this chapter and board rules.

1           2. Regulate disciplinary actions, the granting, denial, revocation,  
2 renewal and suspension of licenses and the rehabilitation of licensees  
3 pursuant to this chapter and board rules.

4           3. Prescribe the forms, content and manner of application for  
5 licensure and renewal of licensure and set deadlines for the receipt of  
6 materials required by the board.

7           4. Keep a record of all licensees, board actions taken on all  
8 applicants and licensees and the receipt and disbursement of monies.

9           5. Adopt an official seal for attestation of licenses and other  
10 official papers and documents.

11          6. Investigate charges of violations of this chapter and board rules  
12 and orders.

13          7. Employ an executive director who serves at the pleasure of the  
14 board.

15          8. Annually elect from among its membership a chairman, a  
16 vice-chairman and a secretary, who serve at the pleasure of the board.

17          9. Adopt rules pursuant to title 41, chapter 6 to carry out this  
18 chapter and to define unprofessional conduct.

19          10. Engage in a full exchange of information with other regulatory  
20 boards and psychological associations, national psychology organizations and  
21 the Arizona psychological association and its components.

22          11. BY RULE, ADOPT A CODE OF ETHICS RELATING TO THE PRACTICE OF  
23 PSYCHOLOGY. THE BOARD SHALL BASE THIS CODE ON THE CODE OF ETHICS ADOPTED AND  
24 PUBLISHED BY THE AMERICAN PSYCHOLOGICAL ASSOCIATION. THE BOARD SHALL APPLY  
25 THE CODE TO ALL BOARD ENFORCEMENT POLICIES AND DISCIPLINARY CASE EVALUATIONS  
26 AND DEVELOPMENT OF LICENSING EXAMINATIONS.

27          B. The board may employ permanent or temporary personnel it deems  
28 necessary to carry out this chapter. The board, in investigating violations  
29 of this chapter, may employ investigators who may be psychologists. The  
30 board or its executive director may take and hear evidence, administer oaths  
31 and affirmations and compel by subpoena the attendance of witnesses and the  
32 production of books, papers, records, documents and other information  
33 relating to the investigation or hearing.

34          C. Compensation for all personnel shall be determined pursuant to  
35 section 38-611.

36          Sec. 4. Section 32-2066, Arizona Revised Statutes, is amended to read:  
37 32-2066. Directory; change of address; costs; civil penalty

38          A. The board shall ~~biennially~~ compile and publish ON ITS WEB SITE a  
39 directory containing:

40           1. The names and addresses of the officers and members of the board.

41           2. The names and addresses of all licensees.

42           3. The current board rules.

43           4. A copy of this chapter.

5. Additional information the board deems of interest and importance to licensees.

B. A licensee shall inform the board in writing of the licensee's current residence address, office address and telephone number within thirty days of each change in this information. The board may assess the costs incurred by the board in locating a licensee and may assess a civil penalty of not more than one hundred dollars against a licensee who fails to notify the board within thirty days from the date of any change of information required to be reported under this subsection.

~~C. The board shall give a copy of the directory free of charge to each licensee. The board shall make additional copies available at a price determined by the board not to exceed the cost of reproduction and handling.~~

Sec. 5. Section 32-2067, Arizona Revised Statutes, is amended to read:

32-2067. Fees

A. The board, by a formal vote at its annual fall meeting, shall establish fees and penalties that do not exceed:

1. Four hundred dollars for an application for an active license to practice psychology.

2. Two hundred dollars for an application for a temporary license to practice psychology.

3. Two hundred fifty dollars for reapplication for an active license.

4. Five hundred dollars for issuing an initial license. The board shall prorate this fee pursuant to subsection D of this section.

5. Fifty dollars for a duplicate license.

6. Five hundred dollars for biennial renewal of an active license.

7. Eighty-five dollars for biennial renewal of an inactive license.

8. Three hundred dollars for the reinstatement of an active or inactive license.

~~9. Five hundred fifty dollars for the national written examination.~~

~~10.~~ 9. Three hundred fifty dollars for any additional examination.

~~11.~~ 10. Two hundred fifty dollars for delinquent compliance with continuing education requirements.

~~12.~~ 11. Five dollars for the sale of a duplicate renewal receipt.

~~13.~~ 12. Five dollars for the sale of a copy of the board's statutes and rules.

~~14.~~ 13. Two dollars for verification of a license.

~~15.~~ 14. Ten dollars for the sale of each audiotape of board meetings.

~~16.~~ 15. Five cents per name for the sale of computerized discs that contain the name of each licensee.

~~17.~~ 16. Twenty-five cents per name for the sale of computerized discs that contain the name and address of each licensee.

~~18. Thirty cents per name for the sale of computerized discs that contain licensee mailing labels.~~

1       ~~19.~~ 17. Thirty-five cents per name for the sale of customized  
2 computerized discs **THAT CONTAIN ADDITIONAL LICENSEE INFORMATION THAT IS NOT**  
3 **REQUIRED BY LAW TO REMAIN CONFIDENTIAL.**

4       ~~20.~~ 18. Twenty-five cents per page for copying records, documents,  
5 letters, minutes, applications, files and policy statements. This fee  
6 includes postage.

7       B. The board may charge additional fees for services the board deems  
8 necessary and appropriate to carry out ~~the provisions of~~ this chapter. These  
9 fees shall not exceed the actual cost of providing the service.

10       C. The board shall not refund fees except as provided in section  
11 32-2073, subsection E. On special request and for good cause the board may  
12 return the license renewal fee.

13       D. The board shall prorate the fee for issuing an initial license by  
14 dividing the biennial renewal fee by twenty-four and multiplying that amount  
15 by the number of months that remain until the next biennial renewal date.

16       Sec. 6. Section 32-2071, Arizona Revised Statutes, is amended to read:  
17 **32-2071. Qualifications of applicant; education; training**

18       A. An applicant for licensure shall have a doctoral degree from an  
19 institution of higher education in clinical or counseling psychology, school  
20 or educational psychology or any other subject area in applied psychology  
21 acceptable to the board and shall have completed a doctoral program in  
22 psychology from an educational institution that has:

23       1. Been accredited by one of the following regional accrediting  
24 agencies at the time of the applicant's graduation:

25       (a) The New England association of schools and colleges.

26       (b) The middle states association of colleges and schools.

27       (c) The north central association of colleges and schools.

28       (d) The northwest association of schools and colleges.

29       (e) The southern association of colleges and schools.

30       (f) The western association of schools and colleges.

31       2. A program that is identified and labeled as a psychology program  
32 and that stands as a recognized, coherent organizational entity within the  
33 institution with clearly identified entry and exit criteria for graduate  
34 students in the program.

35       3. An identifiable psychology faculty in the area of health service  
36 delivery and a psychologist responsible for the program.

37       4. A core program that requires each student to demonstrate competence  
38 by passing suitable comprehensive examinations or by successfully completing  
39 at least three or more graduate semester hours or the equivalent quarter  
40 hours or by other suitable means in the following content areas:

41       (a) Scientific and professional ethics and standards in psychology.

42       (b) Research, which may include design, methodology, statistics and  
43 psychometrics.

1 (c) The biological basis of behavior, which may include physiological  
2 psychology, comparative psychology, neuropsychology, sensation and perception  
3 and psychopharmacology.

4 (d) The cognitive-affective basis of behavior, which may include  
5 learning, thinking, motivation and emotion.

6 (e) The social basis of behavior, which may include social psychology,  
7 group processes and organizational and systems theory.

8 (f) Individual differences, which may include personality theory,  
9 human development and abnormal psychology.

10 (g) Assessment, which includes instruction in interviewing and the  
11 administration, scoring and interpretation of psychological test batteries  
12 for the diagnosis of cognitive abilities and personality functioning.

13 (h) Treatment modalities, which include instruction in the theory and  
14 application of a diverse range of psychological interventions for the  
15 treatment of mental, emotional, psychological and behavioral disorders.

16 5. A psychology program that leads to a doctoral degree requiring at  
17 least the equivalent of three full-time academic years of graduate study, two  
18 years of which are at the institution from which the doctoral degree is  
19 granted.

20 6. A requirement that the student must successfully defend a  
21 dissertation, the content of which is primarily psychological, or an  
22 equivalent project acceptable to the board.

23 7. Official transcripts that have been prepared solely by the  
24 institution and not by the student and, except for manifest clerical errors  
25 or grade changes, have not been altered by the institution after the  
26 student's graduation.

27 8. Given the student credit only for course work listed on its  
28 official transcripts and that is obtained only at regionally accredited  
29 educational institutions as listed in paragraph 1 of this subsection and does  
30 not give credit for continuing education experiences or courses.

31 B. If the institution is located outside the United States, the  
32 applicant shall demonstrate that the program meets the requirements of  
33 subsection A, paragraphs 2 through 7 and subsections C through ~~J~~ K.

34 C. The applicant shall complete relevant didactic courses of the  
35 program required under subsection A, paragraph 5 before starting the  
36 internship or training program. An applicant shall have completed a minimum  
37 of three thousand hours of supervised professional experience as prescribed  
38 pursuant to subsections D and E.

39 D. The first one thousand five hundred hours of supervised  
40 professional experience, which shall not include predoctoral experiences in  
41 clerkships or practicums, shall be either an internship that is approved by  
42 the American psychological association committee on accreditation, an  
43 internship that is a member of the association of psychology postdoctoral and  
44 internship centers or an organized training program that is designed to  
45 provide the trainee with a planned, programmed sequence of training

experience, the focus and purpose of which are to assure breadth and quality of training, and that meets the following requirements:

1. The training program has a clearly designated staff psychologist who is responsible for the integrity and quality of the training and who is licensed or certified ~~by the state board of psychologist examiners in the state~~ TO PRACTICE PSYCHOLOGY AT THE INDEPENDENT LEVEL BY ANY LICENSING JURISDICTION OF THE UNITED STATES OR CANADA in which the program exists.

2. The training program provides at least two psychologists on staff as supervisors, at least one of whom is licensed or certified as a psychologist by the state board of psychologist examiners in the state in which the program exists and at least one of whom is directly available to the trainee in case of emergency.

3. Supervision is provided by the person who carries clinical responsibility for the cases being supervised. At least half of the training supervision shall be provided by one or more psychologists.

4. Training includes a range of assessment, consultation and treatment activities conducted directly with clients.

5. A minimum of twenty-five per cent of a trainee's time is in direct client contact.

6. Training includes REGULAR FACE-TO-FACE, INDIVIDUAL SUPERVISION CONDUCTED ON A CONTEMPORANEOUS BASIS, WITH a minimum of one hour of face-to-face, individual supervision for each twenty hours of experience AND with the specific intent of dealing with psychological services rendered directly by the trainee and at least two additional hours per week in other learning activities.

7. The training program includes interaction with other psychology trainees.

8. Trainees have a title that designates their trainee status.

9. The training organization has a written statement that describes the goals and content of the training and states clear expectations for the quality and quantity of a trainee's work.

10. The initial training experience, which may be predoctoral, may be for a minimum of one thousand five hundred hours that shall be completed within twenty-four consecutive months.

E. The second one thousand five hundred hours of supervised professional experience shall be postdoctoral and MAY START ON WRITTEN CERTIFICATION BY THE APPLICANT'S EDUCATION PROGRAM THAT THE APPLICANT HAS SATISFIED ALL REQUIREMENTS FOR THE DOCTORAL DEGREE AND ON WRITTEN CERTIFICATION THAT THE APPLICANT HAS COMPLETED AN APPROPRIATE TRAINING PROGRAM AS REQUIRED IN SUBSECTION D. THE SECOND ONE THOUSAND FIVE HUNDRED HOURS OF SUPERVISED PROFESSIONAL EXPERIENCE shall meet the following requirements:

~~1. The training experience may start on written certification by the applicant's educational program that the applicant has satisfied all requirements for the doctoral degree and on written certification that the~~

~~applicant has completed an appropriate training program as required in subsection D.~~

~~2.~~ 1. Supervision is conducted by a psychologist who is licensed or certified ~~by the state board of psychologist examiners in the state~~ TO PRACTICE PSYCHOLOGY AT THE INDEPENDENT LEVEL IN ANY LICENSING JURISDICTION OF THE UNITED STATES OR CANADA in which the supervision occurs or by a psychologist who is on full-time active duty in the United States armed services and who is licensed or certified by a board of psychologist examiners in a United States jurisdiction, who has been licensed or certified for at least two years and who is competent in the areas of functioning of the applicant.

~~3.~~ 2. The supervisor takes full legal responsibility for the welfare of the client as well as the diagnosis, intervention and outcome of the intervention and takes reasonable steps to ensure that clients are informed of the supervisee's training and status and that clients may meet with the supervisor at the client's request.

~~4.~~ 3. The supervisor is responsible for ensuring that adequate records of client contacts are maintained and that the client is informed that the source of access to this information in the future is the supervisor.

~~5.~~ 4. The supervisor is fully available for consultation in the event of an emergency and provides emergency consultation coverage for the supervisee.

~~6.~~ 5. REGULAR FACE-TO-FACE, INDIVIDUAL supervision is conducted ON A CONTEMPORANEOUS BASIS, with a minimum of one hour of face-to-face, individual supervision for each twenty hours of experience. At least six hundred hours of the supervisee's time shall be in direct contact with clients.

~~7.~~ 6. The training experience is for a minimum of one thousand five hundred hours and is completed within thirty-six consecutive months.

F. In meeting the work experience requirements of this section, an applicant shall not receive credit for more than forty hours of experience per week.

G. AN APPLICANT WHO DOES NOT SATISFY THE INTERNSHIP EXPERIENCE REQUIREMENTS OF SUBSECTION D MAY QUALIFY ON DEMONSTRATION OF TWENTY YEARS' LICENSED OR CERTIFIED PRACTICE AS A PSYCHOLOGIST IN A JURISDICTION OF THE UNITED STATES OR CANADA.

~~G.~~ H. An applicant who does not satisfy the postdoctoral experience requirements of subsection E may qualify on demonstration of ten years' licensed or certified practice as a psychologist in a jurisdiction of the United States or Canada.

~~H.~~ I. The applicant shall complete a residency at the institution that awarded the applicant's doctoral degree. The residency shall require the following:

1. The student's active participation and involvement in learning.

2. Direct regular contact with faculty and other matriculated doctoral students.

3. Twenty-four semester hours taken on a full-time or part-time basis at the institution or a minimum of three hundred hours of student-faculty contact that involves face-to-face educational meetings conducted by the institution's psychology faculty and fully documented by the institution and the student. These meetings shall include interaction between the student and faculty and the student and other students and shall relate to the program content areas specified in subsection A, paragraph 4. These meetings shall be in addition to the practicum, clerkship or externship supervision hours or dissertation hours. On request by the applicant or the board, the institution shall provide documentation showing how the applicant's performance was assessed and documented.

~~I.~~ J. To determine if an applicant satisfies the requirements of subsection A relating to subject areas in applied psychology, the board may require the applicant to complete a respecialization program in a program or professional school of psychology that has either an established American psychological association accredited doctoral program in clinical or counseling psychology, ~~OR~~ school or educational psychology or an established doctoral program that meets board rules. The applicant must also:

1. Meet all of the requirements of the new respecialization area. The board shall give the applicant credit for course work that the applicant has previously successfully completed and that meets the requirements of subsection A, paragraph 4.

2. Complete one thousand five hundred hours of supervised professional experience as prescribed in subsection D.

3. Present a certificate or letter from the department head, training director or dean that verifies that the applicant completed the program and that identifies the specialty area of applied psychology the applicant completed.

~~J.~~ K. For the purposes of subsection A, paragraph 4, "other suitable means" means that an applicant demonstrates competence by being a diplomate of the American board of professional psychology or, if an applicant fails to demonstrate completion of course work in two content areas prescribed in subsection A, paragraph 4, the applicant has fulfilled the two deficient requirements by successfully passing a course in each deficient content area as a nonmatriculated student in a doctoral level psychology program at a university that is accredited pursuant to subsection A, paragraph 1.

Sec. 7. Section 32-2071.01, Arizona Revised Statutes, is amended to read:

32-2071.01. Requirements for licensure; remediation; credentials

A. An applicant for licensure shall demonstrate to the board's satisfaction that the applicant:

1 1. Has met the education and training qualifications for licensure  
2 prescribed in section 32-2071 or subsection ~~B~~ C this section.

3 2. Has passed any examination or examinations required by section  
4 32-2072.

5 3. Has a professional record that indicates that the applicant has not  
6 committed any act or engaged in any conduct that constitutes grounds for  
7 disciplinary action against a licensee pursuant to this chapter.

8 4. Has not had a license or a certificate to practice psychology  
9 refused, revoked, suspended or restricted by a state, territory, district or  
10 country for reasons that relate to unprofessional conduct.

11 5. Has not voluntarily surrendered a license in another regulatory  
12 jurisdiction in the United States or Canada while under investigation for  
13 conduct that relates to unprofessional conduct.

14 6. Does not have a complaint, allegation or investigation pending  
15 before another regulatory jurisdiction in the United States or Canada that  
16 relates to unprofessional conduct.

17 B. IF THE BOARD FINDS THAT AN APPLICANT COMMITTED AN ACT OR ENGAGED IN  
18 CONDUCT THAT WOULD CONSTITUTE GROUNDS FOR DISCIPLINARY ACTION IN THIS STATE,  
19 OR IF THE BOARD OR ANY JURISDICTION HAS TAKEN DISCIPLINARY ACTION AGAINST AN  
20 APPLICANT, THE BOARD MAY ISSUE A LICENSE IF THE BOARD FIRST DETERMINES TO ITS  
21 SATISFACTION THAT THE ACT OR CONDUCT HAS BEEN CORRECTED, MONITORED OR  
22 RESOLVED. IF THE ACT OR CONDUCT HAS NOT BEEN RESOLVED, BEFORE ISSUING A  
23 LICENSE THE BOARD MUST DETERMINE TO ITS SATISFACTION THAT MITIGATING  
24 CIRCUMSTANCES EXIST THAT PREVENT ITS RESOLUTION.

25 ~~B~~ C. An applicant for licensure who is licensed to practice  
26 psychology at the independent level in another licensing jurisdiction of the  
27 United States or Canada meets the requirements of subsection A, paragraph 1  
28 of this section if the applicant meets any of the following requirements:

29 1. Holds a certificate of professional qualification IN PSYCHOLOGY in  
30 good standing issued by the association of state and provincial psychology  
31 boards or its successor.

32 2. Is currently credentialed by the national register of health  
33 service providers in psychology or its successor and submits evidence of  
34 having practiced psychology independently at the doctoral level for a minimum  
35 of five years.

36 3. Is a diplomate of the American board of professional psychology.

37 Sec. 8. Repeal

38 Section 32-2072, Arizona Revised Statutes, is repealed.

39 Sec. 9. Title 32, chapter 19.1, article 2, Arizona Revised Statutes,  
40 is amended by adding section 32-2072, to read:

41 32-2072. Examinations; exemptions

42 A. AN APPLICANT FOR LICENSURE MUST PASS THE EXAMINATION FOR  
43 PROFESSIONAL PRACTICE IN PSYCHOLOGY, WHICH IS THE NATIONAL EXAMINATION  
44 ESTABLISHED BY THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS. AN

1 APPLICANT IS CONSIDERED TO HAVE PASSED THE NATIONAL EXAMINATION IF THE  
2 APPLICANT'S SCORE EQUALS OR EXCEEDS EITHER:

3 1. SEVENTY PER CENT ON THE WRITTEN EXAMINATION.

4 2. A SCALED SCORE OF FIVE HUNDRED ON THE COMPUTER-BASED EXAMINATION.

5 B. THE BOARD MAY IMPLEMENT AN ADDITIONAL EXAMINATION FOR ALL  
6 APPLICANTS TO COVER AREAS OF PROFESSIONAL ETHICS AND PRACTICE CONSISTENT WITH  
7 THE APPLICANT'S EDUCATION AND EXPERIENCE, STATE LAW RELATING TO THE PRACTICE  
8 OF PSYCHOLOGY OR OTHER AREAS THE BOARD DETERMINES ARE SUITABLE.

9 C. AN APPLICANT MAY NOT TAKE AN EXAMINATION ADMINISTERED FOR OR BY THE  
10 BOARD UNTIL THE APPLICANT COMPLETES THE EDUCATION REQUIREMENTS OF THIS  
11 ARTICLE. THE BOARD MAY APPROVE AN APPLICANT WHO HAS OBTAINED A DOCTORAL  
12 DEGREE IN PSYCHOLOGY AS REQUIRED UNDER SECTION 32-2071 TO TAKE THE NATIONAL  
13 EXAMINATION BEFORE COMPLETING THE EXPERIENCE REQUIREMENTS OF THIS ARTICLE.  
14 EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, AN APPLICANT MAY NOT TAKE  
15 AN ADDITIONAL BOARD EXAMINATION UNTIL THE APPLICANT PASSES THE NATIONAL  
16 EXAMINATION. AN APPLICANT WHO FAILS THE NATIONAL EXAMINATION ADMINISTERED  
17 FOR OR BY ANY JURISDICTION THREE TIMES IS NOT ELIGIBLE TO TAKE THAT  
18 EXAMINATION AGAIN UNTIL THE APPLICANT MEETS ADDITIONAL REQUIREMENTS  
19 PRESCRIBED BY THE BOARD.

20 D. AN APPLICANT IS EXEMPT FROM TAKING THE NATIONAL EXAMINATION  
21 ADMINISTERED PURSUANT TO THIS SECTION IF THE APPLICANT EITHER:

22 1. IS A DIPLOMATE OF THE AMERICAN BOARD OF PROFESSIONAL PSYCHOLOGY.

23 2. HOLDS A CERTIFICATE OF PROFESSIONAL QUALIFICATION IN PSYCHOLOGY IN  
24 GOOD STANDING ISSUED BY THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY  
25 BOARDS OR ITS SUCCESSOR.

26 Sec. 10. Section 32-2073, Arizona Revised Statutes, is amended to  
27 read:

28 32-2073. Temporary licenses; inactive status; reinstatement to  
29 active status

30 A. If the board requires an additional examination it may issue a  
31 temporary license to a psychologist licensed or certified under the laws of  
32 another jurisdiction, if the psychologist applies to the board for  
33 licensure and meets the educational, experience and first examination  
34 requirements of this article.

35 B. A temporary license issued pursuant to this section is effective  
36 from the date that the application is approved until the last day of the  
37 month in which the applicant receives the results of the additional  
38 examination as provided in section 32-2072.

39 C. A temporary license shall not be extended, renewed, reissued or  
40 allowed to continue in effect beyond the period authorized by this section.

41 D. Denial of an application for licensure terminates a temporary  
42 license.

43 E. The board may place on inactive status and waive the license  
44 renewal fee requirements for a person who is temporarily or permanently  
45 unable to practice as a psychologist due to physical or mental incapacity or

1 disability. An initial request for the waiver of renewal fees shall be  
 2 accompanied by the renewal fee for an active license, which the board shall  
 3 return if the waiver is granted. The board shall judge each request for the  
 4 waiver of renewal fees on its own merits and may seek the verification it  
 5 deems necessary to substantiate the facts of the situation. ~~The board may~~  
 6 ~~also place on inactive status a person who is retired from practicing as a~~  
 7 ~~psychologist.~~ A psychologist who is ~~on inactive status because of retirement~~  
 8 RETIRED is exempt from paying the renewal fee. A psychologist may request  
 9 voluntary inactive status by submitting to the board an application on a form  
 10 prescribed by the board and an affirmation that the psychologist shall not  
 11 practice as a psychologist in this state for the duration of the voluntary  
 12 inactive status and paying the required fee.

13 F. A psychologist who is on any form of inactive status shall renew  
 14 the inactive status every two years by submitting a renewal form provided by  
 15 the board and paying any applicable fee. A notice to renew is fully  
 16 effective by mailing the renewal application to the licensee's last known  
 17 address of record in the board's file. Notice is complete at the time of its  
 18 deposit in the mail. A psychologist on inactive status due to physical or  
 19 mental incapacity or disability or retirement shall ~~describe himself as~~ USE  
 20 THE TERM inactive ~~or retired~~ TO DESCRIBE THE PERSON'S STATUS and shall not  
 21 practice as a psychologist.

22 G. A psychologist on inactive status may request reinstatement of the  
 23 license to active status by applying to the board. The board shall determine  
 24 whether the person has been or is in violation of any provisions of this  
 25 chapter and whether the person has maintained and updated the person's  
 26 professional knowledge and capability to practice as a psychologist. The  
 27 board may require the person to take or retake the licensure examinations and  
 28 may require other knowledge or skill training experiences. If approved for  
 29 active status, the person shall pay a renewal fee that equals the renewal fee  
 30 for the license to be reinstated.

31 Sec. 11. Section 32-2074, Arizona Revised Statutes, is amended to  
 32 read:

33 32-2074. Active license; issuance; renewal; expiration;  
 34 continuing education

35 A. If the applicant satisfies all of the requirements for licensure  
 36 pursuant to this chapter, the board shall issue an active license and shall  
 37 prorate the fee for issuing that license for the period remaining until May 1  
 38 of the next odd-numbered year.

39 B. A person holding an active or an inactive license shall apply to  
 40 renew the license before May 1 of each odd-numbered year. The application  
 41 shall include any applicable renewal fee. A license expires if the licensee  
 42 fails to renew the license before May 1 of that year. A licensee may ~~renew~~  
 43 REINSTATE an expired license by paying a reinstatement fee before July 1 of  
 44 that year. From July 1 of that year until May 1 of the next year, a licensee  
 45 may reinstate the license by paying a reinstatement fee and providing proof

1 of competency and qualifications to the board. This proof may include  
 2 continuing education, an oral examination, a written examination or an  
 3 interview with the board. A licensee whose license is not reinstated ~~and~~  
 4 ~~renewed~~ by May 1 of the next even-numbered year may reapply for licensure as  
 5 prescribed by this chapter. A notice to renew is fully effective by mailing  
 6 the renewal application to the licensee's last known address of record in the  
 7 board's file. Notice is complete at the time of deposit in the mail.

8 C. A person renewing a license shall attach to the completed renewal  
 9 form a report of disciplinary actions or restrictions placed against the  
 10 license by another state licensing or disciplinary board or disciplinary  
 11 actions or sanctions imposed by a state or national psychology ethics  
 12 committee or health care institution. The report shall include the name and  
 13 address of the sanctioning agency or health care institution, the nature of  
 14 the action taken and a general statement of the charges leading to the  
 15 action.

16 D. A person who renews an active license to practice psychology in  
 17 this state shall satisfy a continuing education requirement designed to  
 18 provide the necessary understanding of current developments, skills,  
 19 procedures or treatment related to the practice of psychology in the amount  
 20 and during the period the board prescribes. The board shall prescribe  
 21 documentation requirements.

22 Sec. 12. Section 32-2075, Arizona Revised Statutes, is amended to  
 23 read:

24 32-2075. Exemptions from licensure

25 A. This chapter does not limit the activities, services and use of a  
 26 title by the following:

27 1. A school psychologist ~~or psychometrist~~ employed in a common SCHOOL,  
 28 ~~or~~ high SCHOOL OR CHARTER school setting and certified to use that title by  
 29 the department of education if the services or activities are a part of the  
 30 duties of that person's common SCHOOL, ~~or~~ high SCHOOL OR CHARTER school  
 31 employment.

32 2. An employee of a government agency in a subdoctorate position who  
 33 uses the word "assistant" or "associate" after the title and is supervised by  
 34 a doctorate position employee who is licensed as a psychologist, including a  
 35 temporary licensee.

36 3. A student of psychology pursuing an official course of graduate  
 37 study at an educational institution accredited as provided in section  
 38 32-2071, if after the title the word "trainee", "intern" or "extern" appears  
 39 and the student uses the title only in conjunction with activities and  
 40 services that are a part of the supervised program.

41 4. A person who resides outside of this state and who is currently  
 42 licensed or certified as a psychologist in that state if the activities and  
 43 services conducted in this state are within the psychologist's customary area  
 44 of practice, do not exceed twenty days per year and are not otherwise in  
 45 violation of this chapter and the client, public or consumer is informed of

1 the limited nature of these activities and services and that the psychologist  
2 is not licensed in this state.

3 5. A person in the employ of Arizona state university, northern  
4 Arizona university or the university of Arizona if the services are a part of  
5 the faculty duties of that person's salaried position, the person has  
6 received a doctoral degree as provided in section 32-2071 and the person is  
7 participating in a postdoctoral program pursuant to section 32-2071,  
8 subsection E.

9 6. A supervisee who is pursuing a postdoctoral professional experience  
10 pursuant to section 32-2071, subsection E if the services or activities are  
11 provided under the direct supervision of a licensed psychologist, clients are  
12 informed of the training nature of the services provided and the supervisee  
13 has a title that designates that person's training status.

14 B. This chapter does not limit the use of the title "psychologist" by  
15 a person who possesses a doctoral degree from an educational institution as  
16 provided in section 32-2071 if that person is not engaged in the practice of  
17 psychology.

18 C. This chapter does not prevent a member of other recognized  
19 professions that are licensed, certified or regulated under the laws of this  
20 state from rendering services within ~~his~~ THAT PERSON'S scope of practice and  
21 code of ethics if ~~he~~ THAT PERSON does not ~~represent himself~~ CLAIM to be a  
22 psychologist.

23 Sec. 13. Section 32-2081, Arizona Revised Statutes, is amended to  
24 read:

25 32-2081. Grounds for disciplinary action: duty to report:  
26 immunity: proceedings: board action: notice  
27 requirements: civil penalty

28 A. The board, on its own motion, may investigate evidence that appears  
29 to show that a psychologist is psychologically incompetent, guilty of  
30 unprofessional conduct or mentally or physically unable to safely engage in  
31 the practice of psychology. A health care institution shall, and any other  
32 person may, report to the board information that appears to show that a  
33 psychologist is psychologically incompetent, guilty of unprofessional conduct  
34 or mentally or physically unable to safely engage in the practice of  
35 psychology. The board shall notify the psychologist about whom information  
36 has been received as to the content of the information within one hundred  
37 twenty days of receiving the information. A person who reports or provides  
38 information to the board in good faith is not subject to an action for civil  
39 damages. The board, if requested, shall not disclose the name of the person  
40 providing information unless this information is essential to proceedings  
41 conducted pursuant to this section. The board shall report a health care  
42 institution that fails to report as required by this section to the  
43 institution's licensing agency.

1           B. A health care institution shall inform the board when the  
2 privileges of a psychologist to practice in that institution are denied,  
3 revoked, suspended or limited because of actions by the psychologist that  
4 appear to show that that person is psychologically incompetent, guilty of  
5 unprofessional conduct or mentally or physically unable to safely engage in  
6 the practice of psychology, along with a general statement of the reasons  
7 that led the health care institution to take this action. A health care  
8 institution shall inform the board if a psychologist under investigation  
9 resigns the psychologist's privileges or if a psychologist resigns in lieu of  
10 disciplinary action by the health care institution. Notification shall  
11 include a general statement of the reasons for the resignation.

12           C. The board may require the licensee to undergo any combination of  
13 mental, physical or psychological competence examinations at the licensee's  
14 expense and shall conduct investigations necessary to determine the  
15 competence and conduct of the licensee.

16           D. The chairman of the board shall appoint a complaint screening  
17 committee of not less than three members of the board including a public  
18 member. The complaint screening committee is subject to open meeting  
19 requirements pursuant to title 38, chapter 3, article 3.1. The complaint  
20 screening committee shall review all complaints, and based on the information  
21 provided pursuant to subsection A or B of this section may take either of the  
22 following actions:

23           1. Dismiss the complaint if the committee determines that the  
24 complaint is without merit. Complaints dismissed by the complaint screening  
25 committee shall not be disclosed in response to a telephone inquiry or placed  
26 on the board's web site.

27           2. Refer the complaint to the full board for further review and  
28 action.

29           E. If the board finds, based on the information it receives under  
30 subsection A or B of this section, that the public health, safety or welfare  
31 requires emergency action, the board may order a summary suspension of a  
32 license pending proceedings for revocation or other action. If the board  
33 issues this order, it shall serve the licensee with a written notice of  
34 complaint and formal hearing pursuant to title 41, chapter 6, article 10,  
35 setting forth the charges made against the licensee and the licensee's right  
36 to a formal hearing before the board or an administrative law judge within  
37 sixty days.

38           F. If the board finds that the information provided pursuant to  
39 subsection A or B of this section is not of sufficient seriousness to merit  
40 direct action against the licensee, it may take either of the following  
41 actions:

42           1. Dismiss if the board believes the information is without merit.

43           2. File a letter of concern.

1 G. If the board believes the information provided pursuant to  
2 subsection A or B of this section is or may be true, it may request an  
3 informal interview with the psychologist. If the licensee refuses to be  
4 interviewed or if pursuant to an interview the board determines that cause  
5 may exist to revoke or suspend the license, it shall issue a formal complaint  
6 and hold a hearing pursuant to title 41, chapter 6, article 10. If as a  
7 result of an informal interview or a hearing the board determines that the  
8 facts do not warrant revocation or suspension of the license, it may take any  
9 of the following actions:

- 10 1. Dismiss if the board believes the information is without merit.
- 11 2. File a letter of concern.
- 12 3. Issue a decree of censure.
- 13 4. Fix a period and terms of probation best adapted to protect the  
14 public health and safety and to rehabilitate or educate the psychologist.  
15 Probation may include temporary suspension for not to exceed twelve months,  
16 restriction of the license or restitution of fees to a client resulting from  
17 violations of this chapter. If a licensee fails to comply with a term of  
18 probation the board may file a complaint and notice of hearing pursuant to  
19 title 41, chapter 6, article 10 and take further disciplinary action.
- 20 5. Enter into an agreement with the licensee to restrict or limit the  
21 licensee's practice or activities in order to rehabilitate the psychologist,  
22 protect the public and ensure the psychologist's ability to safely engage in  
23 the practice of psychology.

24 H. If the board finds that the information provided pursuant to  
25 subsection A or B of this section warrants suspension or revocation of a  
26 license, it shall hold a hearing pursuant to title 41, chapter 6, article 10.  
27 Notice of a complaint and hearing is fully effective by mailing a true copy  
28 to the licensee's last known address of record in the board's files. Notice  
29 is complete at the time of its deposit in the mail.

30 I. The board may impose a civil penalty of at least three hundred  
31 dollars but not more than three thousand dollars for each violation of this  
32 chapter or a rule adopted under this chapter. **THE BOARD SHALL DEPOSIT,  
33 PURSUANT TO SECTIONS 35-146 AND 35-147, ALL MONIES IT COLLECTS FROM CIVIL  
34 PENALTIES PURSUANT TO THIS SUBSECTION IN THE STATE GENERAL FUND.**

35 ~~K.~~ J. If the board determines after a hearing that a licensee has  
36 committed an act of unprofessional conduct, is mentally or physically unable  
37 to safely engage in the practice of psychology or is psychologically  
38 incompetent, it may do any of the following in any combination and for any  
39 period of time it determines necessary:

- 40 1. Suspend or revoke the license.
- 41 2. Censure the licensee.
- 42 3. Place the licensee on probation.

43 **K. A LICENSEE MAY SUBMIT A WRITTEN RESPONSE TO THE BOARD WITHIN THIRTY  
44 DAYS AFTER RECEIVING A LETTER OF CONCERN. THE RESPONSE IS A PUBLIC DOCUMENT  
45 AND SHALL BE PLACED IN THE LICENSEE'S FILE.**

1 L. A letter of concern is a public document and may be used in future  
2 disciplinary actions against a psychologist. A decree of censure is an  
3 official action against the psychologist's license and may include a  
4 requirement that the licensee return fees to a client.

5 ~~J.~~ M. Except as provided in section 41-1092.08, subsection H, a  
6 person may appeal a final decision made pursuant to this section to the  
7 superior court pursuant to title 12, chapter 7, article 6.

8 ~~M.~~ N. If during the course of an investigation the board determines  
9 that a criminal violation may have occurred involving the delivery of  
10 psychological services it shall inform the appropriate criminal justice  
11 agency.

12 ~~N. The board shall deposit, pursuant to sections 35-146 and 35-147,~~  
13 ~~all monies it collects from civil penalties pursuant to this section in the~~  
14 ~~state general fund.~~